

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GENTE “JUDE” NATURAL-UNIDO,

Plaintiff,

-against-

BROAD. CORP. DOES & THE U.S.
COPYRIGHT OFFICE,

Defendants.

21-CV-5586 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed this action *pro se*. By order dated September 17, 2021, the Court directed Plaintiff, within thirty days, to file an amended complaint with his real name, signature, and address, and to either pay the \$402.00 in filing fees or submit an application to proceed *in forma pauperis* (IFP).¹ On October 18, 2021, the Court received an IFP application that included Plaintiff’s real name, signature, and address. Because Plaintiff failed to file an amended complaint, by order dated November 3, 2021, the Court dismissed the action for failure to comply with the Court’s September 17, 2021 order. On November 8, 2021, Plaintiff filed a motion for reconsideration under Rule 60(b) of the Federal Rules of Civil Procedure, alleging that he filed an amended complaint by placing it in a “nightdrop” box at the court and by sending it by email. Plaintiff attached to his motion the cover and signature pages of what appear to be an amended complaint. Because Plaintiff alleged that he timely filed an amended complaint, by order dated November 16, 2021, the Court granted his motion for reconsideration, and directed the Clerk of Court to vacate the Court’s prior order of dismissal and civil judgment and to reopen the action. (ECF 10.)

¹ For the reasons stated in Court’s September 17, 2021 order, the Court believes Plaintiff’s real name is Juan Pablo Chavez.

The Court construes the two pages of an amended complaint that Plaintiff attached to his motion for reconsideration as an attempt to comply with the Court's September 17, 2021 order. Plaintiff's submission, however, does not comply with the Court's order. Even when construed liberally, the two pages that Plaintiff submitted – a cover page and a signature page – cannot be considered an amended complaint. Because Plaintiff has failed to file an amended complaint that includes his real name, signature, and address, the Court dismisses the complaint without prejudice for Plaintiff's failure to comply with the September 17, 2021 order. *See* Fed. R. Civ. P. 41(b).

The Court again warns Plaintiff that his continued filing in the court of submissions that do not comply with the Federal Rules of Civil Procedure will result in an order barring him from filing new actions IFP without prior permission. *See* 28 U.S.C. § 1651.

CONCLUSION

The Court dismisses the complaint without prejudice for Plaintiff's failure to comply with the Court's September 17, 2021 order. *See* Fed. R. Civ. P. 41(b).

Plaintiff remains warned that his continued filing in this court of submissions that do not comply with the Federal Rules of Civil Procedure will result in an order barring him from filing new actions IFP without prior permission. *See* 28 U.S.C. § 1651.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

SO ORDERED.

Dated: November 24, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge